UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS WACO DIVISION

OTILIO GONZALEZ, and RAFAEL	§	NO. 6:12-CV-00225-WSS
RUEDA, on behalf of themselves	§	
and a class of those similarly situated,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	FLSA COLLECTIVE ACTION
	§	
HIGH PERFORMANCE ROPES OF	§	
AMERICA, INC.; LUIS ALVAREZ SR.; and	§	
LUIS ALVAREZ	§	
	§	
Defendants.	§	JURY TRIAL DEMANDED

NOTICE OF SETTLEMENT AND JOINT MOTION TO ABATE

I.

Plaintiffs, Otilio Gonzalez and Rafael Rueda, and Defendants, High Performance Ropes of America, Inc. and Luis Alvarez, Jr. (collectively, the "Parties"), hereby notify the Court that the Parties have resolved all claims at issue in this lawsuit, and have entered into a Full and Final Settlement and Release Agreement (the "Agreement"). Pursuant to the terms of the Agreement, the Parties jointly request that this lawsuit be abated pending completion of the payments due and owing under the Agreement.

II.

Plaintiffs filed this lawsuit as a putative collective action for unpaid minimum wage and overtime compensation under the Fair Labor Standards Act ("FLSA") on August 24, 2012. Dkt. No. 1. After the Defendants moved to dismiss for failure to state a claim, Plaintiffs amended their complaint on December 3, 2012. Dkt. No. 16. The Court issued a Scheduling Order on December 18, 2012, setting this case for trial on September 16, 2013. Dkt. No. 18. The Court

issued an Amended Scheduling Order on June 19, 2013, re-setting this case for trial on October 21, 2013. Dkt. No. 26. On October 10, 2013, the Parties jointly moved for a trial continuance based upon the fact that settlement was imminent. Dkt. No. 27. The Court issued a Second Amended Scheduling Order on October 15, 2013. Dkt. No. 28.

III.

The parties have settled this case. Plaintiffs have agreed to dismiss this lawsuit with prejudice within five (5) business days of their receipt of the full consideration due and owing under the Agreement. The last payment is currently schedule to be made on or before February 18, 2014.¹ The Parties therefore request that the Court abate this lawsuit pending completion of the payments due and owing under the Agreement.

Respectfully submitted,

DOW GOLUB REMELS & BEVERLY, LLP

/s/ Keith M. Remels

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ATTORNEYS FOR DEFENDANTS

¹ Defendants maintain that they have made certain payments to the United States Department of Labor ("DOL") on behalf of the Plaintiffs. The parties have agreed to contact the DOL and use their best efforts to obtain such funds from the DOL. Any funds recovered from the DOL will be credited against the amounts owed under the Agreement.

EQUAL JUSTICE CENTER

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

On November 1, 2013, I electronically submitted the foregoing document with the Clerk of the Court of the United States District Court for the Western District of Texas, using the electronic case filing system of the Court. I hereby certify that I have served all counsel and/or pro se parties of record electronically using the CM/ECF filing system or by any other manner authorized by Federal Rule of Civil Procedure (5)(b)(2).

/s/ Keith M. Remels
Keith M. Remels